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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT PAPER NUMBER

2611

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,897

Applicant(s)

NIKlasson, Martin

Examiner

Sumaiya A. Chowdhury

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, & 7-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Aras et al. (5,872,588).

Considering claim 1, Aras discloses a method of logging events in a multimedia integrated receiver decoder (111-figure 1A, 1B, or 4A, col. 5, lines 34-38), said method comprising the following steps:

a) providing a trigger (the system provides an Audio-Visual Identifier (AVI) which allows to determine which Audio-Visual Material (AVM) was presented to the viewer – see col. 7, lines 30-67),

b) transmitting said trigger to said integrated receiver decoder in a data stream together (AVI field is embedded in AVM - see figure 3) with an event (the system embeds each AVM with one or more AVIs – see col. 8, lines 1-37) to be monitored, and

c) if said integrated receiver decoder is tuned to said data stream (The IRD monitors the AVM(s) and extracts the AVI selected by the subscriber for presentation. –

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see col. 13, lines 24-67), storing said trigger (AVI is stored in Behavior Collection Table (BCT). See 6131 – figure 6(g), col. 17, lines 1-22).

As for claim 2, Aras discloses a method according to claim 1, comprising the additional step of:

d) transmitting said stored trigger information from said integrated receiver decoder (the AVI information associated with the AVM presented at each subscriber's IRD is transmitted to one or more collection center – see col. 12, lines 40-54).

As for claim 3, Aras discloses a method according to claim 1, wherein said trigger comprises a unique trigger identity identification (Each AVI comprises of a basic field and set of extensions. Each basic field within each AVI contains a unique identification number. See 201 - figure 2, col. 8, lines 1- 37).

As for claim 4, Aras discloses a method according to claim 3 wherein, in step c), said trigger identity identification is stored in a log file (See Fig. 13 &14, col. 26, lines 62-67, col. 27, lines 1-4).

As for claim 7, Aras discloses a method according to claim 1, wherein said stored trigger information is used for determining selection of specific event (The BCT comprises of AVI identifiers which is used to determine what a subscriber viewed. -See col. 26, lines 62-67, col. 27, lines 1-4).

As for claim 8, Aras discloses a method according to claim 1, wherein at least two triggers are sent for a single event to be monitored (Each broadcast of AVM is embedded with one or more AVIs. – see col. 8, lines 1-10).

As for claim 9, Aras discloses a multimedia integrated receiver decoder, comprising :

- a device (1558-figure 15) for receiving a data stream (col. 5, lines 34-67, col. 24, lines 44-66)
- a device (1559-figure 15) for identifying triggers in said data stream accompanying an event in said data stream (col. 24, lines 56-67, col. 25, lines 1-6),
- a device (1555-figure 15) for storing information regarding said triggers (col. 17, lines 1-22, col.25, lines 35-41), and
- a device (1557-figure 15) for transmitting said stored information (col. 17, lines 1-22, col. 25, lines 43-67, col. 26, lines 1-20)

As for claim 10, Aras discloses a system for logging events in a multimedia integrated receiver decoder, said system comprising:

- a transmitter (see 101 - figure 1A, 1B, or 4A col. 5, lines 50-67)
- a receiver, (see 111 - figure 1A, 1B, or 4A, col. 5, lines 39-50)
- a device for interconnecting said transmitter and said receiver (see 107 – figure 1A, 1B, or 4A, col.5, lines 19-33) ,

wherein said transmitter comprises:

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- a device (101-figure 1A, 1B, or 4A, for providing triggers in a data stream accompanying an event(col. 7, lines 30-67, col. 8, lines 1-3),
- a device (101-figure 1A, 1B, or 4A, for transmitting said data stream to said receiver (data transmitted from 101 to 111, e.g. col. 5, lines 39-44), and wherein

-said receiver comprises

-a device (1555 – figure 15) for identifying said triggers in a data stream received by the receiver (the AVI decoder in the receiver (home station) extracts AVI information from the selected AVM stream and provides the AVI information to the Monitor function col. 24, lines 44-67 & col. 25, lines 1-6),

-a device (1711 – figure 17) for storing identified triggers in memory (see figure 7, col. 26, lines 62-67, col. 27, lines 1-4), and

-a device (1717-figure 17) for transmitting said stored identified triggers from said integrated receiver decoder (The home station transmits the data table via the reverse or upstream, channel. – See figure 14, col. 17, lines 57-67, col. 18, lines 1-9, col. 25, lines 43-67, col. 26, lines 1-20)

As for claim 11, Aras discloses a computer program product directly loadable into the internal memory of a multimedia integrated receiver decoder, said computer program product comprising software code portions for performing the following steps:

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- identifying triggers in a data stream received by the multimedia integrated receiver decoder (The processor has a software system and memory to identify the triggers. – See col. 24, lines 44-67, col. 25, lines 1-6),
- storing identified triggers in memory (col. 25, lines 39-41, col. 17, lines 1-22, col. 26, lines 1-20), and
- transmitting said stored identified triggers from said integrated receiver decoder (col. 25, lines 43-67, col. 26, lines 1-20).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aras (5,872,588) in view of Block (4,528,589).

As for claim 5, Aras fails to disclose a method wherein said log file comprises only stored identity identifications.

In an analogous art, Block discloses a unique program identification code that is stored at the subscriber station and transmitted to a remote location (col. 4, lines 15-48).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Aras's system to include a log file which comprises only stored identity identifications, as taught by Block, for the advantage of providing a simpler technique for billing purposes (col. 4, lines 15-38, col. 5, lines 35-48).

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aras (5,872,588) in view of Cheung (4,258,386).

As for claim 6, Aras fails to disclose a method wherein a channel identifier identifying the channel presently tuned to is stored in a list together with a time stamp.

In an analogous art, Cheung discloses a system in which when a selection is made by a subscriber, the time of day and channel identification is recorded in memory to be sent to a remote location (col. 1, lines 4-26).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Aras's system to include a channel identifier along with a time stamp to be stored in a list, for providing market research groups or television networks additional information to analyze – thereby aiding audience analysis market researchers which channel(s) viewers watch the most.

Conclusion

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Chris Grant', is positioned above the printed name and title.

CHRIS GRANT
PRIMARY EXAMINER